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6 (509) 455-9555
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HON. FRED VAN SICKLE

8 Attorneys for Defendant/Third-Party Plaintiff
9 AIR WISCONSIN AIRLINES COMPANY

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12 STERLING SAVINGS BANK,
13
14 Plaintiff,

NO. CV-05-0071-FVS

15 v.

16 AIR WISCONSIN AIRLINES
17 CORPORATION,
18
19 Defendant.

DEFAULT JUDGMENT
AND JUDGMENT AGAINST
UNITED ENERGY, INC.

20 AIR WISCONSIN AIRLINES
21 CORPORATION, a Delaware
22 corporation,
23
24 Third Party Plaintiff,

25 v.

26 UNITED ENERGY, INC., an Oregon
corporation,
Third Party Defendant.

EXH. 1 PAGE 1

DEFAULT JUDGMENT: 1

1
2 This matter coming on regularly for hearing on the Motion by Defendant/Third-
3 Party Plaintiff Air Wisconsin Airlines Corporation ("AWAC") for the entry of a
4 Default Judgment and Judgment against Third-Party Defendant United Energy, Inc.
5 ("UEI");

6
7 And it appearing from the files and the records of this Court that venue and
8 jurisdiction in U. S. District Court, Eastern District of Washington is proper, pursuant
9 28 USC §§ 1332 and 1441;

10 And it appearing from the files and the records of this Court that an Order of
11 Default of UEI has theretofore been entered by the Clerk of the Court on May 24,
12 2006 (Ct. Rec. 93).

13 And it appearing from the files and the records of this Court and the Affidavits
14 of William D. Hyslop and Rose Lussier filed herein, a sum certain of the amount for
15 entry of a default judgment can be made against UEI;

16 In accordance with Fed. R. Civ. P. 55 (b), it is hereby ordered:

17
18 1. That Defendant/Third-Party Plaintiff AWAC does have and recover from
19 the Third-Party Defendant UEI a Default Judgment and Judgment in the principal sum
20 of \$610,075.05, with pre-judgment interest thereon at the rate of 12% per annum
21 computed from October 21, 2004 to April 30, 2006, in the sum of \$118,864.22;
22 additional pre-Judgment interest on the principal sum from May 1, 2006 to the date of
23 this Judgment at the rate of 12% per annum is the sum of \$ 6,618.83 ; plus
24 attorneys fees in the sum of \$15,110.00, as ordered by this Court as sanctions against
25
26

DEFAULT JUDGMENT: 2

EXH 1 PAGE 2


1 UEI, said Order entered with this Court on January 19, 2006 (Ct. Rec. 80); pre-
 2 Judgment interest on said awarded attorneys fees at the rate of 12% per annum
 3 computed from January 19, 2006 to April 30, 2006, in the sum of \$506.70; additional
 4 pre-Judgment interest on the award of attorney fees from May 1, 2006 to the date of
 5 this Judgment at the rate of 12% per annum in the sum of \$ 163.93; plus costs as
 6 set forth in the Bill of Costs in the sum of \$295.00; for a Default Judgment and
 7 Judgment in the total sum of \$ 751,633.73;

9 2. Interest is awarded and shall accrue on the aforementioned total sum
 10 from the date of entry of this Default Judgment and Judgment until fully paid at the
 11 rate equal to the weekly average 1-year constant maturity Treasury yield for the week
 12 of entry of the Judgment, pursuant to 28 U.S.C. §1961(a) and the federal reserve
 13 government releases.
 14

15 ENTERED THIS DATE 2nd day of June, 2006.

17 s/ Fred Van Sickle
 18 HON. FRED VAN SICKLE

18 Presented by:

19 s/ 
 20 WILLIAM D. HYSLOP, WSBA# 11256
 21 Attorney for Defendant and Third-Party Plaintiff
 22 AIR WISCONSIN AIRLINES CORPORATION
 23 Lukins & Annis, P.S.
 24 717 West Sprague Avenue, Suite 1600
 25 Spokane, Washington 99201-0466
 26 Telephone: (509) 455-9555
 Facsimile: (509) 747-2323
 Email: whyslop@lukins.com

EXH 1 PAGE 3

DEFAULT JUDGMENT: 3

Certificate of Service

I hereby certify that on May 25, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Mr. Leslie R. Weatherhead
Witherspoon, Kelley, Davenport & Toole
1100 US Bank Bldg
422 W Riverside
Spokane, WA 99201-0302
Co-Counsel for Plaintiff Sterling Savings Bank

Mr. Ryan M. Beaudoin
Witherspoon, Kelley, Davenport & Toole
1100 US Bank Bldg
422 W Riverside
Spokane, WA 99201-0302
Co-Counsel for Plaintiff Sterling Savings Bank

s/ William D. Hyslop
WILLIAM D. HYSLOP, WSBA# 11256
Attorney for Defendant and Third-Party
Plaintiff
AIR WISCONSIN AIRLINES
CORPORATION
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EXH 1 PAGE 1

DEFAULT JUDGMENT: 4

District of WASHINGTON

V.

Case Number: CV-05-0071-FVS

V.

Judgment having been entered in the above entitled action on , , 2006 against United Energy, Inc.,
Date

TOTAL \$ 295.00

DECLARATION

EXH 2 PAGE 2

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$0.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)


“Entry of the judgment shall not be delayed for the taxing of costs.”

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Co-Counsel for Plaintiff Sterling Savings Bank

s/ 
WILLIAM D. HYSLOP, WSBA# 11256
Attorney for Defendant and Third-Party
Plaintiff
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